

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

United States of America

v.

Case No. 2:18-cr-224

Glenn Madison

ORDER

The defendant filed a motion to suppress evidence obtained from an allegedly unlawful search of cellular telephone information relating to phone number 614-584-****. This information was obtained pursuant to an application filed by a detective of the Columbus Police Department in the Court of Common Pleas of Franklin County, Ohio, and an order issued by that court. The information was sought as being relevant to an ongoing criminal investigation related to an alleged aggravated menacing incident involving the defendant.

In response to the motion, the government states that the Columbus Police Department investigation of the aggravated menacing incident is not connected to the drug charges in this case. The government indicates that the six counts charged in the indictment resulted from drug buys by a Franklin County Sheriff's Department detective who did not rely on the challenged cellular phone evidence, and that the telephone number involved in the drug sales allegedly made by the defendant was a different telephone number, that being 614-972-2248. Counsel for the government has represented to the court that the government will not seek to introduce any telephone information obtained through the contested investigative action or any evidence that could be considered derivative of that information. The government argues that the motion to suppress is moot.

In light of the government's representations that it will not seek to introduce any evidence obtained through or derivative of the allegedly tainted cellular phone investigation, the court finds that the defendant's motion to suppress evidence is moot, and it is hereby denied. If defense counsel discovers information suggesting that the evidence sought to be introduced by the government is derivative of the allegedly tainted cellular telephone evidence, defense counsel can object to that evidence and renew the motion to suppress.

Date: May 1, 2019

s/James L. Graham
James L. Graham
United States District Judge